

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

TOMMY BELL,

Petitioner,

v.

JAMES E. DONALD,

Respondent.

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**Civil Action No.
5:08-CV-194 (CAR)**

**ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the United States Magistrate Judge's Recommendation [Tab 19] that Petitioner's Motion to Dismiss [Doc. 15] the instant petition for habeas corpus relief be granted and Respondent's Motion to Dismiss [Doc. 10] be denied. No Objection was filed, and having considered the matter, this Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation of the United States Magistrate Judge is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Petitioner's Motion is **GRANTED**, and the instant petition for habeas corpus relief is hereby **DISMISSED** without prejudice. Respondent's pending Motion to Dismiss is likewise **DENIED**.

SO ORDERED, this 20th day of January, 2009.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

jlr